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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,230	07/13/2001	Naoki Yumiyama	YMOR:214	9837
7590	10/03/2003		EXAMINER	
Parkhurst & Wendel 1421 Prince Street Suite 210 Alexandria, VA 22314-2805			ORTIZ CRIADO, JORGE L	
			ART UNIT	PAPER NUMBER
			2697	
DATE MAILED: 10/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/889,230	YUMIYAMA, NAOKI
	Examiner	Art Unit
	Jorge L Ortiz-Criado	2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “4” has been used to designate both “a traverse motor” and “an amplifier”. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. Figure 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
In page 1, line 20 and line 23 both a traverse motor and an amplifier, point to the same block number 4.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano U.S. Patent No. 5,161,142.

Regarding claim 1, Okano discloses an optical disk reproducing device for reproducing a disk-shaped recording medium on which recording is made with constant angular velocity (See Abstract, col. 2, lines 21-26; col. 5, lines 26-65),

characterized in that control of a spindle motor is accomplished by CAV control during process from start of spin-up processing to a read standby state (See Abstract, col. 2, lines 21-26; col. 5, lines 26-65).

Regarding claim 2, Okano discloses wherein control of said spindle motor is accomplished by CAV control during a control processing when said disk-shaped recording medium rotates at low speed (See Abstract, col. 2, lines 21-26; col. 5, lines 26-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Okano U.S. Patent No. 5,161,142.

Regarding claim 3, admitted the prior art teaches a method of spin-up processing employed in a reproducing a disk-shaped recording medium on which recording is made (See page 2, lines 4-7; see flowchart of Fig. 3), said method comprising the steps of:

performing servo adjustment and acquiring a LEAD-IN final address (See page 2, lines 16-18; see Fig. 3 step2 and step 3);

conducting CLV measurement (See page 2, lines 18-19; see Fig. 3 step 4) and setting the spindle motor to be driven under CAV control (See page 2, lines 20-22; see Fig. 3 step 5)

setting an angular velocity to be slower than maximum rotational speed to perform a predetermined processing (See page 2, lines 23-25; see Fig. 3 step 6);

and performing HOLD TRACK (See page 2, lines 33-34; see Fig. 3 step 10).

The admitted prior art does not teach in which of a spindle motor is accomplished by CAV control during process from the start of the spin-up processing to a read standby state.

However this feature is well known in the art as evidenced by Okano, which discloses a method of spin-up processing employed in a reproducing a disk-shaped recording medium on which recording is made in which of a spindle motor is accomplished by CAV control during process from the start of the spin-up processing to a read standby state and control processing when said disk-shaped recording medium rotates at a desired speed (See Abstract, col. 2, lines 21-26; col. 5, lines 26-65).

Therefore it would have been obvious to one ordinary with skill in the art at the time of the invention to set the spindle motor to be driven under CAV control and accomplish the spindle motor during process from the start of the spin-up processing to a read standby state in order to reduce the time period of search operation, avoid generation of heat and vibrations by the spindle motor and further prevent errors during data reading as suggested by Okano.

Regarding claim 4, the admitted prior art further teaches wherein said angular velocity slower than a maximum rotational speed is a half of the maximum rotational speed (See page 2, lines 23-25; see Fig. 3 step 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc

Jorge L Ortiz-Criado
DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
9/23/03